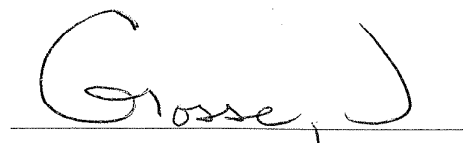


IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,) No. 65538-8-1
)
 v.) DIVISION ONE
)
 MARIO PETRILLI,) UNPUBLISHED OPINION
)
 Appellant.) FILED: November 26, 2012

Grosse, J. — The Washington Supreme Court granted the State’s petition for review of our first opinion in this matter and remanded the case to us for reconsideration in light of its decision in State v. Nunez.¹

In our first opinion we followed State v. Bashaw² and vacated a firearms sentence enhancement because the trial court instructed the Mario Petrilli jury it must be unanimous to answer whether the State proved the facts necessary to support the sentence enhancement. In Nunez, the Supreme Court overruled Bashaw and approved the instruction given by the trial court. Therefore, we now affirm Petrilli’s judgment and sentence.



WE CONCUR:

¹ 174 Wn.2d 707, 285 P.3d 21 (2012).

² 169 Wn.2d 133, 234 P.3d 195 (2010).

Leach, C. J.

Appelwick, J.